



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/813,562      | 03/20/2001  | Terence E. Lister    | 10011600-1          | 2707             |

7590 07/12/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

TRUONG, CAMQUY

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2195

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/813,562

Applicant(s)

LISTER ET AL.

Examiner

Camquy Truong

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

RD

### **DETAILED ACTION**

1. Claims 1-20 are presented for examination.
2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the examiner and Applicant all future correspondence should include the recommended line numbering.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1 and 18 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.
4. Claims 1 and 18 are directed to method steps, which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. Moreover, each of the claimed steps, receiving, retrieving, checking, creating, and passing can be practiced mentally in conjunctions with pen and paper. The claimed steps do not define a machine or computer implemented process (see

Art Unit: 2195

MPEP 21061). Therefore, the claimed invention is directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rossmann (U.S. Patent 5,809,415 ) in view of Whitner et al. (US. Patent 6,148,323), and further in view of Hara et al (U. S. Patent 6,141, 665).

6. As to claims 1 and 18, Rossmann teaches the invention substantially as claimed including: A method for executing tools in a service control manager (SCM) module, comprising:

Receiving, by the SCM module (client module, col.4, line 59; col.6, line 59) a request from a user to run a tool on one or more nodes (col. 4, lines 58-61; col. 6, lines 49-51), the request includes task information (data input, col. 4, line 58; col. 6, line 50);

Retrieving, by the SCM module, node definition, user definition from domain manager (col. 37, lines 42-55; col. 37, line 59-col.38, line 3);

Checking if the user is assigned with the role containing the requested tool, wherein the user is authorized to run the requested tool only if the user is assigned with the role containing the request tool (col. 37, line 59-col.38, line 3);

Creating a runnable tool by a client based on the task information and tool definition (col. 38, lines 3-4 and lines 17-29);

Passing the runnable tool from the client to a distributed task facility (DTF) (secure transmission check, col. 38, lines 30- lines 41);

Passing the runnable tool from the DTF to agents associated with the nodes, wherein the agents are authorized users, and wherein the agents execute the runnable tool and return task results (col. 38, lines 42-58).

7. Rossmann does not explicitly teach that the DTF issues a task identifier based on the runnable tool. However Whitner teaches DTF issues a task identifier based on the runnable tool (col. 3, lines 36-40 and lines 63-67).

8. It would have been obvious to combine the teachings of Rossmann and Whitner because Whitner's DTF issues a task identifier based on the runnable tool would provide an easy mechanism or interface for specifying the details of the task to be perform.

9. Rossmann and Whitner do not explicitly teach that retrieving a tool definition wherein the tool definition specifies a role that contains the requested tool. However,

Art Unit: 2195

Hara teaches retrieving a tool definition wherein the tool definition specifies a role that contains the requested tool (col. 14, lines 25-38).

10. It would have been obvious to combine the teachings of Rossmann, Whitner and Hara because Hara's retrieving a tool definition wherein the tool definition specifies a role that contains the requested tool would improve the flexibility of Rossmann and Whitner's system by providing the step of retrieving a tool definition wherein the tool definition specifies a role that contains the requested tool to improve the efficiency of job processing.

11. As to claim 2, Rossmann teaches validating the task information received from the user (col. 37, lines 28-40).

12. As to claim 3, Rossmann teaches checking user authorization to run the tool on all of the nodes requested (col. 37, line 59-col.38, line 3).

13. As to claim 4, Rossmann teaches the receiving step includes receiving the request through a client, wherein the client is a program that interacts with the user and displays information on computer systems that reside on the nodes (col. 8, lines 57-60/col. 8, lines 66-67).

Art Unit: 2195

14. As to claim 5, Rossmann teaches the receiving step includes receiving the request from a graphical user interface client (co. 5, lines 47-50).

15. As to claim 6, whitner teaches the receiving step includes receiving the request from a command line interface (col. 8 lines 66-67).

16. As to claim 7, Whitner teaches collecting the task results from agents (col.5, lines 5-7), returning the task results to the user (col. 6, lines 49-50).

17. As to claim 8, Whitner teaches collection failure reports from agents (col. 4, lines 4-5). The above information implies that the error status of the task and any resultant data is being collected first before returning to the calling program.

18. As to claim 9, Whitner teaches updating individual target statues (col. 15, lines 17-20).

19. As to claim 10, Whitner teaches collecting target outputs that contain an exit code, a standard output, or a standard error output that result from running the commands associated with the tool on the nodes (col.13, lines 1-8).

Art Unit: 2195

20. As to claim 11, Whitner teaches updating an overall task status (the remote tasks checking for error conditions, timeouts, and task completion, (col. 14, lines 61-67/ col. 15, lines 1-8/col. 14, lines 39-42).

21. As to claims 12-13, Whitner teaches displaying the task results on a computer screen (col. 6, lines 40-42).

22. As to claim 14, Whiner teaches writing the task results to a file or to a directory, wherein the directory contains one file for each node requested and the results for each node are written to the corresponding file in the directory (col. 11, lines 40-43/ col. 13, lines 25-26).

23. As to claim 15, it rejected for the same reason as claims 1 and 18. In addition, Rossmann teaches clients that are software programs interacting with users and displaying information on the computer systems that reside on nodes that are managed servers in the SCM module (col. 5, lines 5-10 and lines 16-25).

24. As to claim 16, Whiner teaches the DTF receives the runnable tool from the clients through task manager interfaces, wherein the task manager interfaces are call by the clients to perform a task, to cancel or kill a task, or monitor task status operation (col.8, lines 56-67/ col. 14, lines 63-67).



Art Unit: 2195

25. As to claim 17, Whitner teaches the agents receive the runnable tool from DTF through target liaison interface, wherein the target liaison interfaces are used by the agents to communicate with the DTF in order to process assigned tasks (col.4, lines 56-60/ col.5, lines 1-7).

26. As to claim 19, it is rejected for the same reason as claim 4.

27. As to claim 20, whitner teaches returning target output that contain an exit code a standard output, or standard error output that result from running the commands associated with the tool on the nodes (col.12, lines 62-65 / col. 13, lines 1-4).

### ***Conclusion***

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (571) 272-3773. The examiner can normally be reached on 8AM – 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status

Art Unit: 2195

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Camquy Truong

July 7, 2005

  
MENG-AL T. AN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100